

REMARKS

Claims 1-18 were examined and reported in the Office Action. Claims 1-18 are rejected. Claims 1-18 remain. It is asserted in the Office Action that the "Applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not presented earlier." Applicant notes that the 37 C.F.R. 1.131 declaration signed by the inventor (along with other evidence) is necessary to overcome the 35 U.S.C. §103(a) rejections. Applicant notes that the *Enhanced Host Controller Interface Specification for Universal Serial Bus* (Rev. 0.96) reference was not previously used as prior art to reject Applicant's claims. Therefore, Applicant did not have a reason to present the declaration and other evidence prior to use of this reference in an Office Action. Applicant asserts that the above reasons are good and sufficient reasons why the declaration and evidence are necessary and why the declaration and evidence were not previously submitted. Applicant hereby resubmits the 37 C.F.R. 1.131 declaration signed by the inventor along with the other evidence. Applicant respectfully requests consideration and acceptance of the 37 C.F.R. 1.131 declaration signed by the inventor along with the other evidence.

Applicant requests reconsideration of the application in view of the following remarks.

I. 35 U.S.C. §103(a)

It is asserted in the Office Action that claims 1-18 are rejected under 35 U.S.C. §103(a), as being unpatentable over *Enhanced Host Controller Interface Specification for Universal Serial Bus* (Rev. 0.96) ("EHCI Spec") in view of U.S. Patent Publication 2002/0174255 by Hayter et al. ("Hayter"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

Applicant asserts that EHCI Spec Rev. 0.96 is not a valid prior art and submits a 37 C.F.R. 1.131 declaration signed by the inventor. Applicant's concept was conceived well before EHCI Spec Rev. 0.96 was published and Applicant was diligent in filing the application. Therefore, Applicant respectfully asserts EHCI Spec. Rev. 0.96 is not a valid prior art reference.

Accordingly, withdrawal of the 35 U.S.C. §103 (a) rejections for claims 1-18 are respectfully requested.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely 1-18, patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on September 27, 2006.


Jean Svoboda